

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**KENNETH STROUP  
ADC #500510**

**PLAINTIFF**

**v.**

**CASE NO: 5:18CV00252 JM**

**WENDY KELLEY, Director,  
Arkansas Department of Corrections; *et al.***

**DEFENDANTS**

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED THAT:

1. Defendants' Motion for Summary Judgment (Doc. No. 18) is GRANTED.
2. Plaintiff's claims against Defendants Wendy Kelley, James Gibson, and Jared Byers are DISMISSED without prejudice for failure to exhaust administrative remedies;
3. Plaintiff's claims against the Doe Defendants are dismissed without prejudice pursuant to Federal Rules of Civil Procedure 4(m) and for failure to exhaust administrative remedies;
4. This cause of action (Doc. No. 1) is DISMISSED without prejudice.
5. Plaintiff's Motion to dismiss (Doc. No. 21) is DENIED.

6. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 19<sup>th</sup> day of February, 2019.

  
UNITED STATES DISTRICT JUDGE